

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include changes to Figures 3-5. These sheets, which include Figures 3-5, replace the original sheets including Figures 3-5. In Figures 3-5, "SYNCHRONISATION" has been amended to --SYNCHRONIZATION--.

REMARKS

The Applicants thank the Examiner for the thorough review and consideration of the pending application. The Office Action dated September 17, 2008 has been received and its contents carefully reviewed.

The Office Action indicates that the IDS filed December 16, 2005 has not been considered because a copy of each cited document was not submitted. A copy of each of the cited references is hereby submitted. Accordingly, the Applicants respectfully request that the cited references be considered and an initialed copy of the 1449 be included in the next paper issued by the office.

The Office Action objects to the drawings for informalities noted therein. Applicants have amended "SYNCHRONISATION" to --SYNCHRONIZATION-- in Figures 3-5. No new matter has been added. Accordingly, the Applicants respectfully request that the objections to the drawings be withdrawn.

The Office Action objects to the Abstract for minor informalities noted therein. The Applicants have amended the Abstract to correct any inadvertent typographical errors. No new matter has been added. Accordingly, the Applicants respectfully request that the objection to the abstract be withdrawn.

Claims 1-6 are hereby amended. No new matter has been added. With regard to claims 1-4, the amendments do not affect the scope of the claims and were made to merely correct any

inadvertent typographical errors. With regard to claims 5 and 6, support for these amendments may be found, for example, on page 6, line 10 - page 7, line 12. Accordingly, claims 1-6 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

The Office Action objects to claims 1-4 for informalities noted therein. As shown above, the Applicants have amended these claims, as suggested. Accordingly, the Applicants respectfully request that the objection to claims 1-4 be withdrawn.

**The Office Action rejects claims 5 and 6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2005/0075125 (hereinafter "BADA").** The Applicants respectfully traverse this rejection.

BADA does not teach every element recited in claims 5 and 6 and therefore cannot anticipate these claims. More specifically, claim 5 has been amended to recite a method of cell search in a wireless communication system which includes, "executing the cell search at a first frequency interval by scanning a band; and executing the cell search at a second frequency interval after executing the cell search at the first frequency interval, wherein the second frequency interval is wider than the first frequency interval." Claim 6 has been amended to recite a mobile state for use in a wireless communication system, which includes, among other features, "the

mobile station executes cell search in a first phase by scanning a band at a first frequency interval and in a second phase by scanning the band at a second frequency interval wider than the first frequency interval after scanning the band at a first frequency interval." BADA fails to disclose at least these features.

In fact, what BADA discloses is just the opposite. BADA discloses that a first scan is conducted at 1.6MHz and then the frequency window is narrowed and a second scan is conducted at 200kHz. *See page 7, paragraph [0063] - page 8, paragraph [0064].* Therefore, BADA cannot possibly disclose "the second frequency interval is wider than the first frequency interval," as recited in claim 5 and "a second frequency interval wider than the first frequency interval after scanning the band at a first frequency interval," as recited in claim 6. Accordingly, BADA fails to anticipate the claimed invention.

For at least the aforementioned reasons, the Applicants respectfully submit that claims 5 and 6 are patentably distinguishable over BADA. Accordingly, the Applicants respectfully request the 35 U.S.C. §102(b) rejection of claims 5 and 6 over BADA be withdrawn.

**The Office Action rejects claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over BADA in view of U.S. Patent No. 7,369,534 issued to AMERGA et al. (hereinafter "AMERGA").** The Applicants respectfully traverse this rejection.

The currently pending application claims the benefit of foreign priority to Australian Patent Application No. 2003903075 filed June 18, 2003, which is prior to August 27, 2003, the earliest effective filing date of AMERGA. June 18, 2003 is the earliest effective filing date of the instant application because foreign priority has already been perfected in the instant application. A certified copy of Australian Patent Application No. 2003903075 was filed on December 15, 2005. Further, this application is in English, thus a certified English translation is unnecessary.

Therefore, AMERGA is unavailable as prior art. Accordingly, the rejection of claims 1-4 under 35 U.S.C. § 103(a) over BADA in view of AMERGA is improper. Applicants respectfully request that this rejection be withdrawn.

Entry of the above amendments is earnestly solicited. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

This response is believed to be fully responsive and to put the case in condition for allowance. An early and favorable action on the merits is earnestly requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Elizabeth M. Keaney/  
Elizabeth M. Keaney, Reg. 60,437  
209 Madison Street  
Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

EMK/lk

**APPENDIX:**

The Appendix includes the following items:

- cited references in IDS of December 16, 2005
- an amended Abstract of the Disclosure
- Replacement Sheets for Figures 3-5 of the drawings